

PUBLIC HEARING--April 14, 1965.

Appeal #8132 Olga G. Foley, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Davis dissenting, the following Order was entered on May 17, 1965:

ORDERED:

That the appeal for a variance from the lot occupancy requirements of the R-3 District to permit retention of existing one-story accessory building at rear of 1568 - 33rd Street, N.W., lot 206, square 1273, be denied.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot, which is located in the R-3 District, has a frontage of 29 feet on 33rd Street and depths of 76.85 feet on the north and 75.6 feet on the south sides of the lot. The lot contains an area of 2172 square feet of land and is improved with a two-story brick row dwelling.

(2) Prior to appeal to the Board appellant erected a two-story addition to the north side of the existing dwelling which covered the entire frontage of the property. At the time of erection of this addition the plat furnished to the Department of Licenses and Inspections indicated that the accessory building would be removed. The removal of this accessory building would make the existing structure conform to the lot occupancy requirements of the R-3 District.

(3) Appellant now appeals to the Board to permit her to retain a part of this original stable and to convert same to an open structure as part of the patio. This proposed patio would be covered and therefore is counted in the amount of lot occupancy which will make the lot over-occupied.

(4) There was objection to the granting of this appeal registered at the public hearing.

OPINION:

It is our opinion that appellant has failed to prove a hardship within the meaning of Section 8207.11 of the Zoning Regulations as the lot is normal in all respects having no exceptional narrowness, shape, topography or any other extraordinary or exceptional situation or condition. In this case appellant has requested the Board to condone a violation of the terms of her original permit when the addition was erected.

It is our further opinion that this relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the zoning regulations and map. The Board has no alternative but to deny the appeal.